

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

ACUITY, A MUTUAL INSURANCE )  
COMPANY, )  
                )  
Plaintiff, )  
                )  
                )  
v.                 )              Case No. 1:23-CV-15-SNLJ  
                )  
                )  
JVANWINKLE TRUCKING, LLC, et al. )  
                )  
                )  
Defendants.         )

**MEMORANDUM AND ORDER**

Plaintiff Acuity filed this interpleader action, naming the Missouri Highways and Transportation Commission (“MHTC”) as a defendant.<sup>1</sup> [Doc. 1.] Defendant MHTC filed this motion to dismiss, stating that it suffered no damages from the incident alleged in plaintiff’s petition and disclaiming any interest in the potential recovery. [Doc. 12.] Plaintiff has not objected to the dismissal, and the time for doing so has passed. Seeing no objection, the motion will be granted.

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<sup>1</sup> Plaintiff named MHTC as “the Missouri Department of Transportation” in its petition. [Doc. 1.]

Accordingly,

**IT IS HEREBY ORDERED** that defendant's motion to dismiss is GRANTED and defendant MHTC is dismissed from the case.

So ordered this 6th day of March, 2023.



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STEPHEN N. LIMBAUGH, JR.  
SENIOR UNITED STATES DISTRICT JUDGE